

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

James E.H., ¹)	Case No. 0:24-cv-03108-JDA
)	
Plaintiff,)	
)	
v.)	
)	<u>OPINION AND ORDER</u>
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
)	

This matter is before the Court on an action brought by Plaintiff pursuant to 42 U.S.C. § 405(g), to obtain judicial review of a final decision of the Commissioner of Social Security Administration (the “Commissioner”) regarding his claim for Disability Insurance Benefits. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings.

On November 11, 2024, the Commissioner filed a motion to remand the matter for further administrative proceedings. [Doc. 21.] Plaintiff did not respond to the Commissioner’s motion within the time prescribed,² and on April 1, 2025, the Magistrate

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² As the Magistrate Judge noted, immediately prior to the Commissioner’s filing of this motion, Plaintiff’s counsel was suspended from the practice of law. [See Doc. 19.] On December 13, 2024, the Magistrate Judge advised Plaintiff that he was now considered pro se and afforded him additional time to attempt to secure new counsel or inform the court that he wished to remain pro se. [Doc. 24.] Having heard nothing from Plaintiff, the Magistrate Judge again advised Plaintiff on February 12, 2025, that he remained pro se

Judge issued a Report and Recommendation recommending that the Commissioner's motion be granted and the matter be reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). [Doc. 34.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [*Id.* at 3.] Plaintiff has not filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report

and provided him additional time to respond to the Commissioner's motion to remand. [Doc. 28.] On March 3, 2025, the Court again extended Plaintiff's deadline to respond to the motion to remand. [Doc. 30.]

and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, the Commissioner's motion to remand [Doc. 21] is GRANTED, the decision of the Commissioner is REVERSED, and this matter is REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative action.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

April 22, 2024
Columbia, South Carolina